## REMARKS

Claims 1-15 are pending in the application. Claims 1-11 and 15 stand rejected.

The status of claims 12-14 is respectfully requested.

The specification has been amended to conform to claim 1. The change is supported in the specification as outlined below with regard to claim 1. No new matter is entered.

Claim 1 has been amended herein to clarify the claimed invention. The packets include an actual time when a packet has been transmitted. The communication time interval is a time interval between an actual time when a packet has been transmitted and an actual time when another packet has been transmitted, the packet and the other packet received at a different time from each other by said packet receiving unit.

For example a time interval from the transmission of packet 1 until the transmission time of packet 2 would be the difference of the actual transmission time of packet 1, contained within packet 1, and the actual transmission time of packet 2, contained within packet 2.

This is supported by the original specification, for example on page 14, line 1 and in particular equation 1. T(m) is packet 1 and T(m+1) is packet 2. As shown $(T(m+1)-T(m))$

This feature is not shown nor suggested in any of the prior art for at least the following reasons:

Claim 1 is rejected of under 35 U.S.C. § 102(e) as being anticipated by Chiussi et al. ('791).

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over ('791) in view of Chiussi et al. ('345).

In the previous Office Action the examiner responded to our previous arguments on page 10. It appears the issue is between the reference's description of a time stamp generated as a function of system parameters and the time interval detecting unit in applicant's claim 1.

Chiussi '791 discloses a system for guaranteeing data rates in packet networks by generating a timestamp for each packet waiting in one of a plurality of transmission connection queues, and selecting a packet from a queue for transmission where the selected packet has a smallest timestamp value (see, e.g., abstract and column 5, line 20 through column 6, line 27 of Chiussi '791).

The timestamp values are generated as a function of system parameters including (a) the number of queues that are backlogged, (b) the data transfer rate guaranteed to each connection, (c) the sum of data transfer rates guaranteed to all backlogged connections, (d) the previous timestamp of the connection, and (e) the weighted sum of the timestamps of all backlogged connections, each timestamp weighted by the data transfer rate guaranteed to the corresponding connection.

However in contrast to '791 the timestamp in applicant's claimed invention indicates an actual time when the packet itself has been transmitted and the interval detecting unit detects communication time interval by the interval between an actual time a packet has been transmitted and an actual time when another packet has been transmitted included in another packet when two packets are received at a different time each other.

Chiussi ('791) does not include any reference with regard to the features in applicant's claim 1, for example, as mentioned above.

In addition Chiussi '791 fails to disclose or suggest a band setting unit for setting the communication band of a channel based on a data length detected by a data length detecting unit and a communication time interval detected by a time interval detecting unit.

In other words, unlike applicant's claim 1, Chiussi '791 fails to teach setting a communication band based on a time interval determined by counting a number of packets that were received over a predetermined time period (see, e.g., page 12, line 24 through page 15, line 15 of Applicant's specification).

As a result, Applicant respectfully submits that claim 1 is not anticipated by Chiussi '791, and stands in condition for allowance.

Claims 2 and 3 depend from claim 1. It is respectfully submitted that Chiussi et al. ('345) fails to disclose the features in claim 1 including the time interval and setting the communication band based on a data length and a communication time interval.

Because both references fail to teach or suggest the above features it is respectfully submitted the rejection should be withdrawn because the combination of references fails to suggest every claimed feature.

Claims 4-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chiussi '791 in view of Marin et al. and claims 8-11 as unpatentable over Chiussi '791 in view of Marin et al. and further in view of Gemar et al.

Claims 4-11 depend from claim 1. It is respectfully submitted that Marin et al. and Gemar et al. fail to disclose the features in claim 1 including the time interval and setting the communication band based on a data length and a communication time interval.

Because both references fail to teach or suggest the above features it is respectfully submitted the rejection should be withdrawn because the combination of references fails to suggest every claimed feature.

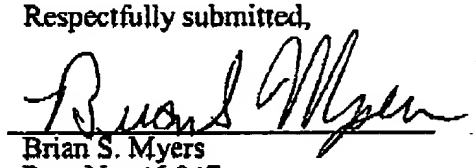
Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gerszberg et al. (U.S. 6,307,839) in view of Jurkevich et al. (U.S. 5,229,992).

Claim 15 has been cancelled herein obviating the rejection.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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